

DATED

25 August

2016

**(1) WENDY NICHOLS and MAUREEN LE MARINEL and CHRISTOPHER TANSLEY (as
TRUSTEES OF UNISON)**

and

(2) MABLEDON KINGS CROSS UK S.A.R.L.

and

(3) THE DOCTORS LABORATORY LIMITED

and

(4) HSL (FM) LLP

and

(5) THE MAYOR AND THE BURGESSES OF THE LONDON BOROUGH OF CAMDEN

DEED OF VARIATION

Relating to:

Agreement dated 20th January 2012 between (1) Steve Warwick, Sue Highton, Alison Shepherd and (2) Stanhope (Mabledon) Limited and (3) Unity Trust Bank Plc and (4) The Mayor and the Burgesses of the London Borough of Camden under section 106 of the Town and Country Planning Act 1990 (as amended)

In respect of land known as:

**1 Mabledon Place
London
WC1H 9AJ**

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP

Tel: 020 7974 1918
Fax: 020 7974 2962

CLS/PK/1781.469 (final)

THIS AGREEMENT is made on the 25 day of August 2016

BETWEEN

1. **WENDY NICHOLS** and **MAUREEN LE MARINEL** and **CHRISTOPHER TANSLEY** as **TRUSTEES OF UNISON** and all of Unison Centre, 130 Euston Road, London, NW1 2AY (together hereinafter called "the Freeholder") of the first part
2. **MABLEDON KINGS CROSS UK S.A.R.L.** being a Luxembourg private limited liability company (société à responsabilité limitée), whose registered office is at 19 Rue Eugene Ruppert, L-2453 Luxembourg, Grand Duchy of Luxembourg, and as registered with the Luxembourg Trade and Companies Register under number B 172367 (hereinafter called "the Headlessee") of the second part
3. **THE DOCTORS LABORATORY LIMITED** (registered under company number 02201998) whose registered office is at 60 Whitfield Street, London, W1T 4EU (hereinafter called "the Sublessee") of the third part
4. **HSL (FM) LLP** (registered under company number OC391023) whose registered office is at 60 Whitfield Street, London W1T 4EU (hereinafter called "the Interested Party") of the fourth part
5. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the fifth part

WHEREAS:

- 1.1 The Council and Steve Warwick, Sue Highton, Alison Shepherd (being trustees of Unison) and Stanhope (Mabledon) Limited and Unity Trust Bank Plc entered into the Existing Agreement.
- 1.2 The Freeholder is registered at the Land Registry as the freehold proprietor with title absolute under title number LN249012.
- 1.3 The Headlessee is registered at the Land Registry as the leasehold proprietor with title absolute under title number NGL931140.

- 1.4 The Sublessee is registered at the Land Registry as the leasehold proprietor with title absolute under title number NGL948114.
- 1.5 The Interested Party is registered in the charges register of title number NGL948114 as the beneficiary of a unilateral notice dated 31st March 2015 in respect of part of the Property.
- 1.6 The Freeholder is the freehold owner of the Property and the Headlessee is the headleasehold owner of the Property and the Sublessee is the subleasehold owner of the Property and the Interested Party is the beneficiary of a registered unilateral notice against the Property for the purposes of Section 106(9) of the Act.
- 1.7 The Freeholder and the Headlessee and the Sublessee and the Interested Party shall hereinafter together be called "the Owner".
- 1.8 The Council is the local planning authority for the purposes of the Act and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.9 The Second Minor Material Amendment application was submitted to the Council by the Owner and validated on 11th August 2015 for which the Council resolved to grant permission conditionally under reference 2015/4641/P subject to the conclusion of this Agreement.
- 1.10 This Agreement is made by virtue of Section 106 of the Town and Country Planning Act 1990 (as amended) and is a planning obligation for the purposes of that section.
- 1.11 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

2. **INTERPRETATION**

- 2.1 All words and phrases defined in the Existing Agreement shall have the same meaning in this Agreement save where the context otherwise dictates and for the

avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Agreement.

2.2 All references in this Agreement to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.3 In this Agreement the following expression shall unless the context otherwise states have the following meaning now allocated to it.

2.3.1 "this Agreement" this deed of variation

2.3.2 "Existing Agreement" the agreement entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) dated 20th January 2012 made between (1) Steve Warwick, Sue Highton, Alison Shepherd and (2) Stanhope (Mabledon) Limited and (3) Unity Trust Bank Plc and (4) The Council

2.3.3 "the Original Planning Permission" the planning permission granted by the Council on 23rd December 2011 (reference number 2011/4653/P) permitting extensions and alterations to existing office block to include 13,116 sqm of Class B1a and 182 sqm of Classes A1/A2/A3, as follows: reconfigured basement floors to reduce carparking from 46 to 9 spaces; relocated and enlarged commercial unit at ground floor for flexible use within Classes A1/A2/A3; demolition of conference hall at rear and replacement by 2 new floors of offices; extension of 3rd and 4th floors of annex and addition of 5th floor on annex for offices with external terraces and green roofs on 3rd and 6th floor levels; replacement of 10th floor plantroom on tower by new offices; reconfigured and relocated roof plant; associated external

alterations and replacement fenestration including new canopy and forecourt at ground floor, new windows at 10th floor and new halo canopy at rooftop of tower as shown on drawing numbers site location plan; 1012-X10-PB4, PB3, PB2, PB1, P00 rev A, P01, P02, P03-04, P05, P06-09, P10, P11; S01, S02, S03, S04; E01, E02, E03; 1012-P20-SP00; 1012-P20-PB4, PB3, PB2, PB1, P00 rev B, P01 rev A, P02, P03-04 rev A, P05, P06, P07-09, P10, P11; S01, S02, S03; E01, E02, E03; B00, B10; area summary dated 25 August 2011 (existing and proposed areas); Design, Access & Heritage Statement dated August 2011; Energy Statement dated August 2011; Daylight and Sunlight Report dated August 2011; Noise Impact Assessment dated August 2011; Transport Statement dated August 2011; BREEAM Pre-Assessment: One Mabledon Place dated 24th May 2011; email and appendices from agent dated 21st November 2011

2.3.4 "the Existing Planning Permission"

the Original Planning Permission as varied by the Minor Material Amendment

2.3.5 "the Minor Material Amendment"

planning permission reference number 2013/3522/P granted by the Council on 23rd September 2013 amending the Original Planning Permission to permit '*extensions and alterations to existing office block, namely to allow alterations to roof plant and halo canopy, alterations to ground floor entrance, alterations to windows and facades of all elevations and enlargement of roof terraces*'

2.3.6 "the Second Minor Material Amendment"

the application for planning permission reference number 2015/4641/P which the Council resolved to grant in a form substantially similar to that annexed to this Agreement amending the Existing Planning Permission for extensions and alterations to existing office block, namely to allow reconfiguration of basement internal layout and reduction of approved car spaces from 9 to 2

2.4 Where in this Agreement reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Agreement.

2.5 Headings are for ease of reference only and are not intended to be construed as part of this Agreement and shall not be construed as part of this Agreement and shall not effect the construction of this Agreement.

2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.

2.7 References in this Agreement to the Owner and Mortgagee shall include their successors in title.

3. VARIATION TO THE EXISTING AGREEMENT

3.1 The following definitions contained in the Existing Agreement shall be **varied** as follows:

3.1.1 "the Development"

the development permitted under planning permission granted on 23rd December 2011 under reference number 2011/4653/P (extensions and alterations to existing office block to include 13,116 sqm of Class B1a and 182 sqm of Classes A1/A2/A3, as follows:

reconfigured basement floors to reduce carparking from 46 to 9 spaces; relocated and enlarged commercial unit at ground floor for flexible use within Classes A1/A2/A3; demolition of conference hall at rear and replacement by 2 new floors of offices; extension of 3rd and 4th floors of annex and addition of 5th floor on annex for offices with external terraces and green roofs on 3rd and 6th floor levels; replacement of 10th floor plantroom on tower by new offices; reconfigured and relocated roof plant; associated external alterations and replacement fenestration including new canopy and forecourt at ground floor, new windows at 10th floor and new halo canopy at rooftop of tower as shown on drawing numbers site location plan; 1012-X10-PB4, PB3, PB2, PB1, P00 rev A, P01, P02, P03-04, P05, P06-09, P10, P11; S01, S02, S03, S04; E01, E02, E03; 1012-P20-SP00; 1012-P20-PB4, PB3, PB2, PB1, P00 rev B, P01 rev A, P02, P03-04 rev A, P05, P06, P07-09, P10, P11; S01, S02, S03; E01, E02, E03; B00, B10; area summary dated 25 August 2011 (existing and proposed areas); Design, Access & Heritage Statement dated August 2011; Energy Statement dated August 2011; Daylight and Sunlight Report dated August 2011; Noise Impact Assessment dated August 2011; Transport Statement dated August 2011; BREEAM Pre-Assessment: One Mabledon Place dated 24th May 2011; email and appendices from agent dated 21st November 2011) AS VARIED by the Minor Material Amendment and AS FURTHER VARIED by the Second Minor Material Amendment

3.2 The following definition shall be added to the Existing Agreement:-

"2.43 "the Minor Material
Amendment"

planning permission reference number 2013/3522/P granted by the Council on 23rd September 2013 amending the Planning Permission to permit '*extensions and alterations to existing office block, namely to allow alterations to roof plant and halo canopy, alterations to' ground floor entrance, alterations to windows and facades of all elevations and' enlargement of roof terraces'*,

"2.44 "the Second Minor Material
Amendment"

the planning permission amending the Planning Permission (as varied by the Minor Material Amendment) to be granted by the Council to permit the variation of planning condition 14 (development in accordance with approved plans) to allow reconfiguration of basement internal layout and reduction of approved car spaces from 9 spaces to 2 spaces as shown on drawing numbers IMP-A-SBA-SK-20150707-MM01; covering letter from Dalton Warner Davis dated 11.8.15; Doctors Laboratory and Health Services Laboratories- Delivery Service Plan by Arup dated 7.5.15

3.3 After "2011/4653/P" in clause 5.2 of the Existing Agreement the following shall be inserted: "and 2013/3522/P and 2015/4641/P".

3.4 After "2011/4653/P" in clause 5.6 of the Existing Agreement the following shall be inserted: "and 2013/3522/P and 2015/4641/P".

3.5 After "2011/4653/P" in clause 7.1 of the Existing Agreement the following shall be inserted: "and 2013/3522/P and 2015/4641/P".

3.6 In all other respects the Existing Agreement (as varied by this Agreement) shall continue in full force and effect.

4. **PAYMENT OF THE COUNCIL'S LEGAL COSTS**

The Owner agrees to pay the Council (on or prior to completion of this Agreement) its reasonable and proper legal costs incurred in preparing this Agreement

5. **RIGHTS OF THIRD PARTIES**

The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement.

6. **REGISTRATION AS LOCAL LAND CHARGE**

This Agreement shall be registered as a Local Land Charge

IN WITNESS WHEREOF the Council has caused its Common Seal to be hereunto affixed and the Owner has executed this instrument as a Deed the day and year first above written.

EXECUTED AS A DEED BY
WENDY NICHOLS

)
)

Wendy Nichols

in the presence of:

)

Witness Signature:

)

Eileen Hanagan

Witness Name: (CAPITALS)

)

EILEEN HANAGAN

Address:

)

UNISON CENTRE

)

130 EUSTON RD NW1 2AY

Occupation:

)

UNISON PROPERTY MANAGER

EXECUTED AS A DEED BY
MAUREEN LE MARINEL

)
)

Maureen Le Marinel

in the presence of:

)

Witness Signature:

)

Eileen Hanagan

Witness Name: (CAPITALS)

Address:

Occupation:

EILEEN FLANAGAN
UNISON CENTRE
130 EUSTON RD NW1 2AY
UNISON PROPERTY MANAGER

EXECUTED AS A DEED BY
CHRISTOPHER TANSLEY

in the presence of:

Witness Signature:

Witness Name: (CAPITALS)

Address:

Occupation:

CM Tansley
Eileen Flanagan
EILEEN FLANAGAN
130 EUSTON RD NW1 2AY
UNISON CENTRE
UNISON PROPERTY MANAGER

EXECUTED AS A DEED BY
MABLEDON KINGS CROSS UK S.A.R.L.
acting by a Director and its Secretary
or by two Directors

Director Name: (CAPITALS)

Director Signature:

Director/Secretary Name (CAPITALS)

Director/Secretary Signature:

doctors limited
not verified

EXECUTED AS A DEED BY
THE DOCTORS LABORATORY LIMITED
acting by a Director and its Secretary
or by two Directors

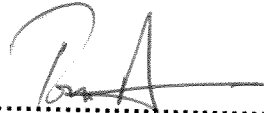
Director Name: (CAPITALS)

Director Signature:

Director/Secretary Name (CAPITALS)

DAVID BYRNE
THOMAS AMIES

Director/Secretary Signature:)


.....

EXECUTED AS A DEED BY)
HSL (FM) LLP)
acting by a Director and its Secretary)
or by two Directors)

Director Name: (CAPITALS))

~~DAVID RYAN~~
.....

Director Signature:)


.....

Director/Secretary Name (CAPITALS))

~~MIND S.~~
.....

Director/Secretary Signature:)

MIND S.
.....

~~THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF CAMDEN was hereunto)
Affixed by Order:-)~~

.....
Authorized Signatory



Signed as a Deed on behalf of
Mabledon Kings Cross UK S.A. R.L.,
a Company incorporated in Luxembourg,
by Sheikh Khalid Thani A.T. Al-Thani

Authorized Signatory



and Yasmina Bekouassa,
being persons who, in accordance with
the laws of that territory, are acting
under the authority of the company


Authorized Signatory

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THE COMMON SEAL OF THE MAYOR)
AND BURGESSES OF THE LONDON)
BOROUGH OF CAMDEN was hereunto)
Affixed by Order:-)

R. Alexander

.....

Authorised Signatory



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Dalton Warner Davis LLP
21 Garlick Hill
London
EC4V 2AU

Application Ref: **2015/4641/P**

16 June 2016

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

**1 Mabledon Place
London
WC1H 9AJ**

Proposal:

DECISION
Variation of condition 14 (development in accordance with approved plans) of planning permission ref 2011/4653/P dated 23/12/2011 for extensions and alterations to existing office block (as further amended by a Minor Material Amendment ref 2013/3522/P dated 23.9.13), namely to allow reconfiguration of basement internal layout and reduction of approved car spaces from 9 to 2.

Drawing Nos:

Superseded drawings- 1012-P20-PB1.

Approved drawings- IMP-A-SBA-SK-20150707-MM01; covering letter from Dalton Warner Davis dated 11.8.15; Doctors Laboratory and Health Services Laboratories- Delivery Service Plan by Arup dated 7.5.15

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 Condition 14 of the planning permission granted on 23/12/2011 under reference number 2011/4653/P (as further revised by a Minor Material Amendment granted on 23.9.13 under ref no 2013/3522/P) shall be replaced by the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans- site location plan; 1012-X10-PB4, PB3, PB2, PB1, P00 rev A, P01, P02, P03-04, P05, P06-09, P10, P11; S01,S02, S03, S04; E01, E02, E03; 1012-P20-SP00; 1012-P20-PB4, PB3, PB2, B00, B10; 1012-P20- E01F, E02C, E03E, P00G, P01C, P02B, P03-04C, P05A, P06A, P07-09A, P10B, P11C, S01D, S02B, S03B; 1012 (SK) 332A, 333A; 1012-E21-B06A, B07A; area summary dated 25 August 2011 (existing and proposed areas); Design, Access & Heritage Statement dated August 2011 (as revised by 'Minor Material Amendments Rev E' dated September 2013); Energy Statement dated August 2011; Daylight and Sunlight Report dated August 2011; Noise Impact Assessment dated August 2011; Transport Statement dated August 2011; BREEAM Pre-Assessment: One Mabledon Place dated 24th May 2011; email and appendices from agent dated 21st November 2011; IMP-A-SBA-SK-20150707-MM01; covering letter from Dalton Warner Davis dated 11.8.15; Doctors Laboratory and Health Services Laboratories- Delivery Service Plan by Arup dated 7.5.15.

Informative(s):

- 1 Reasons for granting permission.

The proposal, involving reconfiguration of the basement level car park to retain the 2 disabled car spaces, omit the previously approved 7 general car spaces and replace them by motorcycle parking, courier control office and stores, all associated with the Doctor's Laboratories, is considered acceptable.

The revised servicing arrangement, involving courier motorcycles, cycles and vans delivering samples daily and overnight, has already been assessed and agreed by the Council by means of a revised Delivery Service Plan dated 7.5.15 as secured by the S106 legal agreement for the original permission. It is considered that the changed nature of traffic movements, as a result of the enlarged servicing space replacing the car parking, will not adversely affect transport conditions in surrounding roads or neighbouring amenities. The loss of general car parking is welcome as it will reduce peak time traffic flows. The revised internal layout of the car park will have no impact on the external appearance of the property or on neighbour amenities.

No objections have been received to this element of the application prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP16, DP18, DP20, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 6.12 - 6.14 and 7.15 of the London Plan 2015 and paragraphs 14, 17, 29 - 41 and 118 of the National Planning Policy Framework.

- 2 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions (and obligations where applicable) as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

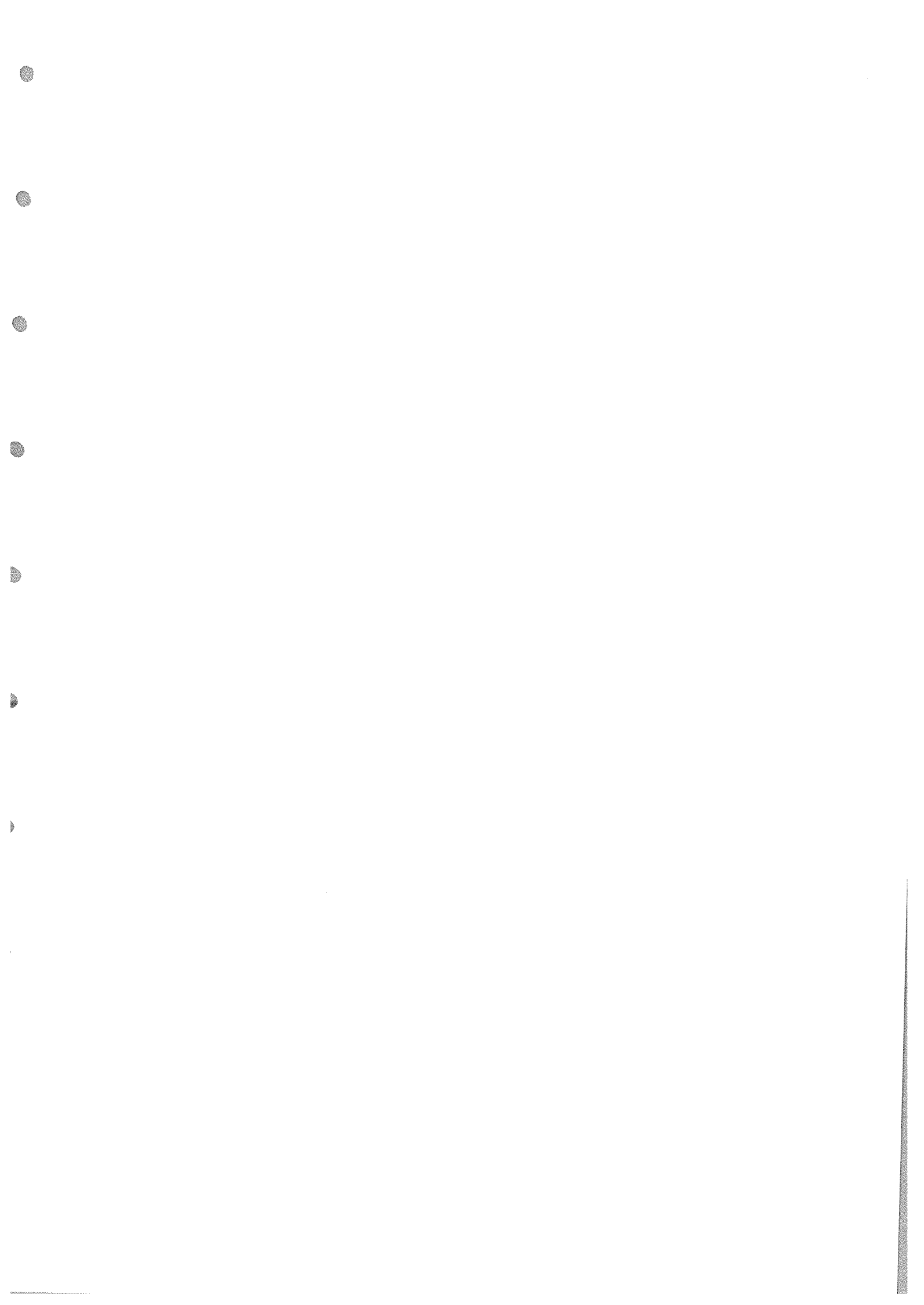
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

DECISION





DATED

25 August

2016

(1) WENDY NICHOLS and MAUREEN LE MARINEL and CHRISTOPHER TANSLEY (as TRUSTEES OF UNISON)

and

(2) MABLEDON KINGS CROSS UK S.A.R.L.

and

(3) THE DOCTORS LABORATORY LIMITED

and

(4) HSL (FM) LLP

and

(5) THE MAYOR AND THE BURGESSES OF THE LONDON BOROUGH OF CAMDEN

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In respect of land known as:

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